

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Frédéric FORTIN et al.)	Group Art Unit: 3733
)	
Application No.: 10/505,469)	Examiner: Woodall, Nicholas W.
)	
Filed: August 20, 2004)	
)	
For: FLEXIBLE VERTEBRAL LINKING DEVICE)	Confirmation No.: 4004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL STATEMENT FOR PETITION FOR REVIVAL
UNDER 37 C.F.R. § 1.137(b) OF AN
APPLICATION FOR PATENT UNINTENTIONALLY ABANDONED**

Applicants hereby petition for revival of U.S. Application Serial No. 10/505,469 ("the '469 application"), which became abandoned on or about October 7, 2006. On October 23, 2007, Applicants submitted Petitions for Revival under 37 C.F.R. § 1.137(b) for this application and U.S. Patent Application 10/760,075 ('075 application), which claims priority to the present application as a continuation. On December 21, 2007, the Patent Office dismissed the petition for the '075 application, indicating, in part, that the petition did not track the language of 37 C.F.R. § 1.137(b)(3). Since the same language was used in the Petition for Revival for the present application,

Applicants hereby submit this supplemental petition, which includes amended language tracking section 1.137(b)(3).

The petition under 37 C.F.R. § 1.137(b) that was filed on October 23, 2007, was accompanied by: (1) the petition fee of \$770.00 (small entity) required by 37 C.F.R. § 1.17(m); (2) Declarations of Mr. Frédéric Fortin and Mr. Johann Robin in Support of Petition for Revival Under 37 C.F.R. § 1.137(b) of an Application for Patent Unintentionally Abandoned; and (3) a Reply to the Outstanding Office Action dated July 7, 2006.

As the previously-submitted Declarations of Messrs. Fortin and Robin demonstrate, the abandonment of the inventions disclosed in the '469 application was unintentional. The entire delay from the date in filing the required reply from the due date for the required reply until the filing of a grantable Petition under 37 CFR 1.137(b) was unintentional.

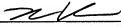
The undersigned respectfully requests that the '469 application be revived and the previously-submitted Reply to the Office Action mailed July 7, 2006, be entered.

If any additional fee is due in connection with this filing, the Commissioner is authorized to charge attorney's Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 3, 2008

By: 
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